

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2017

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HOUSE BILL 128

Short Title: Prohibit Drone Use Over Prison/Jail. (Public)

Sponsors: Representatives McNeill, Torbett, and Faircloth (Primary Sponsors).
For a complete list of sponsors, refer to the North Carolina General Assembly web site.

Referred to: Transportation, if favorable, Judiciary II

February 20, 2017

1 A BILL TO BE ENTITLED
2 AN ACT TO PROHIBIT THE USE OF AN UNMANNED AIRCRAFT SYSTEM NEAR A
3 LOCAL CONFINEMENT FACILITY OR STATE OR FEDERAL CORRECTIONAL
4 FACILITY.

5 The General Assembly of North Carolina enacts:

6 **SECTION 1.** Article 16B of Chapter 15A of the General Statutes is amended by
7 adding a new section to read:

8 **"§ 15A-300.3. Use of an unmanned aircraft system near a confinement or correctional**
9 **facility prohibited.**

10 (a) Prohibition. – Except for a law enforcement officer using an unmanned aircraft system
11 in accordance with G.S. 15A-300.1(c), no person, entity, or State agency shall use an unmanned
12 aircraft system within a horizontal distance of 500 feet or a vertical distance of 250 feet from any
13 local confinement facility or State or federal correctional facility unless (i) written consent is
14 obtained from the official in responsible charge of the facility and (ii) use of the unmanned aircraft
15 system is not otherwise prohibited under State or federal law.

16 (b) Penalty. – The following penalties apply for violations of subsection (a) of this section:

17 (1) A person who uses an unmanned aircraft system in violation of subsection (a)
18 of this section for the purpose of delivering a weapon to a local confinement
19 facility or State or federal correctional facility is guilty of a Class H felony,
20 which shall include a fine of one thousand five hundred dollars (\$1,500). For
21 purposes of this subdivision, the term "weapon" is as defined in G.S. 14-401.24.

22 (2) A person who uses an unmanned aircraft system in violation of subsection (a)
23 of this section for the purpose of delivering contraband to a local confinement
24 facility or State or federal correctional facility is guilty of a Class I felony,
25 which shall include a fine of one thousand dollars (\$1,000). For purposes of this
26 subdivision, the term "contraband" includes controlled substances, as defined in
27 G.S. 90-87, cigarettes, alcohol, and communication devices, but does not
28 include weapons.

29 (3) A person who uses an unmanned aircraft system in violation of subsection (a)
30 of this section for any other purpose is guilty of a Class 1 misdemeanor, which
31 shall include a fine of five hundred dollars (\$500.00).

32 (c) Confiscation. – In addition to the penalty set forth in subsection (b) of this section, an
33 unmanned aircraft system used in violation of subsection (a) of this section may be confiscated by
34 the law enforcement agency investigating the violation. An unmanned aircraft system confiscated
35 pursuant to this subsection shall not be disposed of until the result of any legal proceeding alleging



1 its use in violation of subsection (a) of this section is finally determined. A law enforcement
2 agency shall keep records of any unmanned aircraft systems it confiscates pursuant to this
3 subsection, and, unless otherwise required by court order, it shall retain those records in
4 accordance with its records retention policy. Upon conviction of a violation of subsection (a) of
5 this section, and except as otherwise provided in subsection (d) of this section, any unmanned
6 aircraft system used in committing the violation that has been confiscated pursuant to this
7 subsection shall be sent to the Division of Aviation of the Department of Transportation and shall
8 become property of the State. If a legal proceeding alleging violation of subsection (a) of this
9 section does not result in conviction, any unmanned aircraft system used in the alleged violation
10 that has been confiscated pursuant to this subsection shall be released to the owner of the
11 unmanned aircraft system.

12 (d) **Innocent Owner.** – An unmanned aircraft system confiscated pursuant to subsection (c)
13 of this section shall be released to an innocent owner. A law enforcement agency shall not release
14 a confiscated unmanned aircraft system to an innocent owner until the results of any legal
15 proceeding alleging its use in violation of subsection (a) of this section is finally determined. To
16 have a confiscated unmanned aircraft system released in accordance with this subsection, an
17 innocent owner shall provide the confiscating law enforcement agency with proof of ownership
18 and written certification that the innocent owner will not release the unmanned aircraft system to
19 the person who was charged with the violation of subsection (a) of this section that resulted in
20 confiscation under subsection (c) of this section. A confiscating law enforcement agency shall
21 provide written notice to an innocent owner when an unmanned aircraft system is available for
22 release. If an innocent owner fails to recover the unmanned aircraft system within 30 days of the
23 date listed on the notice of release, the confiscating law enforcement agency shall send the
24 unmanned aircraft system to the Division of Aviation of the Department of Transportation and the
25 unmanned aircraft system shall become property of the State."

26 **SECTION 2.** This act becomes effective December 1, 2017, and applies to offenses
27 committed on or after that date.